IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 18560 of 2007(H)
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PETITIONER:

VIJAYAN, AGED 47 YEARS,
S/O THARAKKAL CHAMI, KANNAMKULANGARA,
CHIYYARAM, THRISSUR.

BY ADV. SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA

RESPONDENTS:
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1. ASSISTANT ENGINEER,
THRISSUR CORPORATION, ZONAL OFFICE,
KOORKKANCHERY.

2. TOWN PLANNING OFFICER,
THRISSUR CORPORATION.

3. SECRETARY, THRISSUR CORPORATION.

BY ADV. SRI.K.B.MOHANDAS,SC,THRISSUR CORPORATIO
SRI.LELLULAL T.G.THUNDATHIL
SRI.K.A.SREEJITH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.18560 of 2007

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Dated this the 18th day of June, 2007

JUDGMENT

Case of the petitioner in brief is as follows:

Petitioner is running a workshop having SSI Registration from the year 1982. There was a partition decree in O.S. 698 of 1985 of Sub Court, Thrissur, which was modified by the decision of this court in R.F.A. 404 of 2004. The Sub Court fixed a time limit for completion of the construction in the plot allotted to the petitioner in the suit for partition. Third petitioner got a further extension of time for completion of the construction till 7.4.2007. It is while so petitioner has been issued with notice calling upon him to demolish. Case of the petitioner is that he is only complying with the direction of the court. Petitioner has given Ext.P12 reply and sought for regularisation. The power of regularisation is contained in Section 406 read with Rule 143 of the Kerala Muncipality Building Rules, 1999. Rule 143 of the Kerala Municipality Building Rules, 1999 allows the Secretary the power of regularisation. But the power of regularisation is not

available in a case where there is violation of the Building Rules. Learned counsel for the petitioner Sri. Santhosh submits that the petitioner will file an application in proper form seeking regularisation.

In such circumstances, the writ petition is disposed of as follows:

If the petitioner prefers an application under Rule 143 for regularisation of the construction made by him within one week from today, the respondent Corporation will consider and take a decision on the same within two months from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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